IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5469 OF 2004

Manohar Hiraman Morge and anr. ... Applicants

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The State of Maharashtra ... Respondent

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Mr. C.K. Pendse, with Mr. P.B. Patil & D.Y. Pawar, for the Applicants.

Mr. K.V. Saste, A.P.P., for the Respondent.

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CORAM : A.M. KHANWILKAR,J.

13th December 2004

P.C.:

. Heard Counsel for the parties. Perused the record. It is seen that no identification parade has been held, whereas the Applicants were in police custody, they were shown to the witnesses, who, in turn, are stated to have identified the witnesses. That cannot be said to be identification parade as is required by the provisions of law. Besides, it is seen that the weapon allegedly recovered from the Applicants

does not match with the description of the weapon mentioned in the complaint. There are no antecedents against these Applicants. Taking overall view of the matter, to my mind, the Applicants deserve tobe enlarged on bail on the following terms.

(a) The Applicants are released on bail in connection with CR.No. I-195/2004 registered with Ulhasnagar Police Station, on executing personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) each with two local sureties in the like amount.

(b) The Applicants shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicants shall report to the investigating officer once in fortnight on Saturday between 10 a.m. to 1 p.m.

(d) The Applicants shall co-operate the trial Court for early disposal of the

trial. If the trial Court is of the opinion that the Applicants are in any manner responsible for causing delay in disposal of the trial, that fact shall be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)